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# Assessment Review Board

## Annual Report 2003-2004

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ISBN 0-7794-7086-9
ISSN 1499-8297

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https://archive.org/details/mag_00057900

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## Chair's Message

I am pleased to present this report as the current Chair of the Assessment Review Board (ARB). 2003-2004 was a productive period for the Board. All properties in Ontario were reassessed for tax purposes for the second consecutive taxation year, which meant the Board received over 80,000 complaints – a substantial increase from the previous year.

By all accounts, the ARB complaint intake for 2004 was one of the smoothest and most efficient in recent history. The success of the intake was the result of a proactive campaign to provide Ontarians with the proper information about the property assessment complaint process and the refinement of the Board's complaint intake strategy.

In advance of the filing deadline, the ARB distributed revised information pamphlets, which served to better clarify the proper steps of appeal, as well as improving the annual complaint form and instructions, thereby lessening confusion about the complaint process and deterring erroneous filings.

2003-2004 also saw the implementation of the recommendations provided to the Board by its Stakeholder Advisory Committee (SAC). This committee, which submitted a full report to the ARB in late March 2003, offered fourteen recommendations to improve the Board's service and clarify its *Rules of Practice and Procedure*. These recommendations and changes to the *Rules* were implemented in October 2003.

As in past years, the Board took steps to improve its accessibility to stakeholders throughout the province. In November 2003, the ARB launched "E-Calendar," a service on its Web site that allows complainants to view the dates and locations of all current Board hearings. Also, the Board's Web site and audio text has been updated to provide more information about ARB processes, including filing fee refunds and adjournment requests.

As the adjudicative tribunal Ontarians look to when contesting property assessments, our employees and Members are honoured to provide access to natural justice in a fair, open, and efficient manner.

Richard Stephenson
Chair

February, 2005

## Section I: Assessment Review Board Overview

### Purpose of the Board

The Assessment Review Board (ARB) is an independent adjudicative tribunal established under statute by the Province of Ontario that hears complaints filed by property owners who believe there is an error in the assessed value or classification of a property. The Board, which operates under a number of legislative authorities, also deals with complaints on matters such as school support designation and property tax appeals.

The Board's primary mandate is to ensure that properties are appropriately assessed in accordance with provisions of the *Assessment Act*. The ARB holds hearings throughout the province where persons, or their representatives, who have filed a complaint with the ARB have the opportunity to present to the Board, through the hearing process, a case as to why they believe the assessment or classification of a property is incorrect.

Along with other regulatory and adjudicative agencies, the ARB helps form the core of the administrative justice sector in Ontario. These core agencies provide justice that is less expensive, less complex, and less formal than the courts. Possessing specialized knowledge of relevant legislation and matters in their particular field, agencies and their Members are integral components of Ontario's social and legal infrastructure.

### History and Jurisdiction

Property assessment has been conducted in what is now Ontario since 1793. In 1970, the province assumed the role of assessing property from municipalities and replaced the Courts of Revision with the Assessment Review Court (ARC). In 1983, the ARC was renamed the Assessment Review Board.

With the enactment of the *Fair Municipal Finance Act, 1997*, the ARB became the province's sole adjudicative tribunal for property assessment complaints. The legislation reduced duplication and ensured that the Board was the final tribunal of appeal for such complaints. Prior to 1998, ARB decisions could be appealed to the Ontario Municipal Board (OMB).

In 1998, an amendment to the *Assessment Review Board Act* gave the ARB the capacity to dismiss frivolous complaints. Decisions by the Board are final and binding, subject only to appeal to Divisional Court on questions of law when the Court grants leave to appeal. The Board also exercises the power to review its decisions.

The Board's jurisdiction and its authority are defined by the *Assessment Review Board Act*, the *Assessment Act*, the *Municipal Act, 2001*, the *Education Act*, and the *Statutory Powers Procedure Act*.

### Current Value Assessment

With the long-term objective of fairness, timeliness and consistency, the *Fair Municipal Finance Act, 1997* ushered in the Current Value Assessment (CVA) system. Prior to the new legislation, assessments lacked a common methodology and in many municipalities property assessments had not been updated in decades.

Assessments for the 2003 taxation year were based on the property value as of June 30, 2001 and assessments for the 2004 taxation year were based on the property value as of June 30, 2003.

## Legislative Changes

### Regulations

Ontario Regulation 282/98, the General Regulation under the *Assessment Act,* was amended by the following eight regulations filed from July 7, 2003 to November 20, 2003:

1. Ontario Regulation 285/03 (filed July 7, 2003) – addition of Part IV.1 Exceptions – Alternative or Renewable Sources of Energy;
2. Ontario Regulation 347/03 (filed August 25, 2003) – expansion of subclass for vacant land for industrial property class (ss 20(3)) and the addition of section 43.1 mine tailings management area;
3. Ontario Regulation 348/03 (filed August 25, 2003) – expansion of definition of hotel;
4. Ontario Regulation 349/03 (filed August 25, 2003) – clarification of railyard in parking lots and vacant land property class and vacant land subclass;
5. Ontario Regulation 362/03 (filed September 2, 2003) – addition of land that is a municipally-licensed rooming house to the residential property class;
6. Ontario Regulation 363/03 (filed September 2, 2003) – change from residential/farm property class to the residential property class and from the farmlands property class to the farm property class;
7. Ontario Regulation 370/03 (filed September 2, 2003) – current value of hotels section added; and
8. Ontario Regulation 397/03 (filed November 20, 2003) – addition of assessed value of pipe lines for 2004.

## Omitted Assessments for Trailer Parks

Ontario Regulation 390/03 regarding omitted assessments for trailers for the 2003 taxation year was filed on October 30, 2003 directing the Municipal Property Assessment Corporation (MPAC) to issue omitted assessment notices for 2003 to trailer park owners and occupants. On March 10, 2004, Ontario Regulation 55/04 was filed, amending Ontario Regulation 390/03, cancelling the omitted assessments for the 2003 taxation year.

## New Rules of Practice and Procedure

The Assessment Review Board's new *Rules of Practice and Procedure* came into effect on October 1, 2003 and were made pursuant to section 25.1 of the *Statutory Powers Procedure Act.*

The new rules and current forms are available free of charge on the Board's Web site www.arb.gov.on.ca or a printed copy can be purchased for a minimal charge by calling 416-314-6900 or 1-800-263-3237.

## Section II: Operations 2003-2004

### 2003-2004 Caseload

At the beginning of the 2003-2004 fiscal year, the ARB had a total of 93,800 complaints on file. During the 2003-2004 fiscal year, the Board received over 80,000 complaints. The majority of these were received in March of 2004. By the end of the fiscal year 47,400 complaints before the Board had been resolved. Of the new complaints received, approximately 60 per cent were residential and 40 per cent were non-residential. In most instances, residential complaints required less hearing time and staff resources, and were resolved sooner than the non-residential complaints. The bulk of the outstanding caseload at the end of the fiscal year consisted mostly of complex, non-residential properties. The process of adjudication and resolution of these types of disputes can take several months, and in some cases, a year or more to complete and often require expert testimony and information.

*Table 1: Caseload 2001-2002 to 2003-2004*

| Year | | 2001-2002 | 2002-2003 | 2003-2004 |
|---|---|---|---|---|
| Opening caseload balance | | 150,000 | 62,000 | 93,800 |
| Caseload received | + | 12,300 | 82,900 | 80,200 |
| Total caseload for year | = | 162,300 | 144,900 | 174,000 |
| Resolved caseload | - | 100,300 | 51,100 | 47,400 |
| **Balance at the end of the fiscal period** | = | **62,000** | **93,800** | **126,600** |

*Note: The municipal tax year begins January 1 and ends December 31. The deadline for annual assessment complaints to the ARB is March 31 of the tax year, corresponding to the end of the provincial fiscal year. In the chart above, the annual complaints for the 2004 taxation year are recorded in fiscal 2003-2004. "Caseload Received" includes all types of complaints and appeals dealt with by the Board, including annual assessment complaints, supplementary and omitted assessment complaints and tax appeals.*

### Pre-hearings

Many of the complaints concerning complex non-residential properties require extensive hearing time before the Board and are often presided over by a panel of Members. These complaints are screened, based on established criteria such as property classification, size and assessed value, and may be directed into pre-hearings. During the pre-hearing process, the Board works with the parties to establish a schedule for proceeding and may issue procedural orders to direct exchanges of information and pre-filings.

Pre-hearings have the potential not only to expedite the hearing process but also to allow parties to come to a settlement before a hearing begins.

## Teleconferences

The Board has also made extensive use of telephone conferencing, or "electronic hearings." With parties in some cases having to travel across the province, it can be difficult and time consuming to coordinate a physical meeting. Teleconferencing is a practical way to provide status updates and determine next steps toward issuing procedural or on consent orders, resolving contentious matters and, in some instances, resolving complaints. This service saves time and money by reducing travel for all parties involved with ARB hearings.

## Electronic Service Delivery (ESD)

In 2003-2004, the Board continued to provide efficient ESD. In November 2003, E-Calendar was launched. This allows the public to view hearings scheduled for a municipality by month, and the hearing docket for a specific hearing. Throughout the year, the Board's Web site, E-Status and E-File options were updated and improved upon, with a focus on user-friendliness and clear language.

## Web site

The Board's Web site, **www.arb.gov.on.ca**, continues to be an important information and communication resource. Information available on the Web site includes: an introduction to property assessment and the assessment appeal process; complaint forms; complete versions of the ARB's *Rules of Practice and Procedure* and relevant legislation; information about ARB hearings and proceedings; as well as the Board's annual reports.

## E-File

E-File is a tool that allows the public to submit annual assessment complaints via the Internet. All required information and the appropriate filing fee are collected and verified electronically online, and E-Filed complaints are accepted immediately into ARBIS, the ARB's electronic case management system. E-Filed complaints do not require manual data entry, reducing the time required to intake complaints.

During the 2004 complaint intake period, 23,960 complaints were filed via the ARB's E-File option. This is a 37 per cent increase from 2003. The Board received an additional 1,600 complaints through forms that were completed online, then printed and mailed with payment. This is a seven per cent increase from 2003.

## E-Status

E-Status allows complainants to check the status of complaints before the Board by simply visiting the ARB Web site and entering the 19-digit roll number associated with the property of interest. E-Status displays information about complaints, hearings (once scheduled) and decisions (once issued). In 2003-2004, E-Status received approximately 2,000 to 4,000 inquiries monthly.

## E-Calendar

In November 2003, the ARB launched a new information technology service called E-Calendar. This service provides complainants, representatives and other interested parties current information about ARB hearings throughout Ontario. Hearing information can be obtained either by searching for the location of a property or the location of a hearing.
The various E-Services initiatives offered by the Board will continue to significantly benefit the public and stakeholders by enhancing the accessibility, transparency and efficiency of the Board.

## Public Information and Outreach

The Board has maintained its commitment to effective, multi-faceted and timely communication with stakeholders and the public. To communicate more effectively, the Board has undertaken projects to:

- Revise and re-design its *Filing a Complaint* and *Preparing for a Hearing* pamphlets. Both pamphlets are available on the Board's Web site in fully downloadable formats.
- Improve its audio text to provide complainants with more options to obtain information, such as how to withdraw a complaint or request a postponement, automatically. The after-hours message has also been updated to include more information about the Board and the complaint and hearing process.
- Expand upon correspondence with complainants via e-mail. The Board answered over 1,900 e-mails. Complainants used this medium as a means of informing the Board about a variety of issues, including absences, withdrawals and requests for written reasons.
- The complaint forms and instructions for annual assessments and supplementary and omitted assessments were revised to include more information and clearer instructions.

## Stakeholders' Advisory Committee (SAC)

In its ongoing efforts to address the changing needs and concerns of its stakeholders, the ARB organized a committee of stakeholders that was charged with providing the Board with a collection of recommendations for improvement to its services. This committee began consultations in Spring 2002, and on March 19, 2003 presented the ARB Chair with a final report of its recommendations and conclusions.

The Committee's recommendations and rule changes were implemented in October 2003. The fourteen recommendations offered by the Committee pertained to issues such as the streaming of ARB hearings; the complaint process for large, complex commercial properties; pre-hearing communications; municipality complaint participation; alternative dispute resolution; access to Duty Vice-Chairs during urgent hearing circumstances; certificates of readiness; Member assignment; costs; and an effort to encourage parties to correspond with each other to potentially reach an agreement.

## Member Training

Ongoing Member training remains a priority at the ARB. Newly-appointed Members have the benefit of an in-house introductory session, in-hearing mentoring by senior Members, and courses that are tailored to the issues Members confront in the various types of ARB hearings. Also, all Members are encouraged to attend the educational courses available through the Society of Adjudicators and Regulators.

## Section III: Financials

### Expenditures

*Table 2: Expenditures 2001-2002 to 2003-2004*

| ACCOUNT ITEMS | 2001 – 2002 ($) | 2002-2003 ($) | 2003-2004 ($) |
|---|---|---|---|
| Salary and Wages | 4,889,289 | 4,170,456 | 4,306,190 |
| Employee Benefits | 822,876 | 856,500 | 537,499 |
| Transportation and Communications | 1,258,830 | 849,338 | 1,034,130 |
| Services | 2,739,513 | 1,816,394 | 2,075,266 |
| Supplies & Equipment | 189,356 | 286,975 | 259,390 |
| Transfer Payment | NIL | NIL | NIL |
| **TOTAL** | **9,899,864** | **7,979,663** | **8,212,475** |

### Revenue

Under the authority of the *Assessment Review Board Act* and a regulation made under the *Interpretation Act,* complaints and appeals must be accompanied by the applicable filing fee. The filing fee, which varies depending on property type, is collected by the ARB and is immediately transferred to the Ministry of Finance.

*Table 3: ARB Revenue 2001-2002 to 2003-2004*

| FISCAL YEAR | REVENUE COLLECTED (in $) |
|---|---|
| 2001-2002 | 2,840,117 |
| 2002-2003 | 2,102,515 |
| 2003-2004 | 5,411,807 |

## Section IV: ARB MEMBERS 2003-2004

### ARB Chairs and Vice-Chairs

| Chairs | Date Appointed |
|---|---|
| JOHNSON, David J. ^ | November 15, 2000 to November 15, 2003 |
| HUBBARD, Marie† | December 10, 1997 |
| Vice-Chair | December 10, 2000 |
| Chair | November 15, 2003 |

| Vice-Chairs | |
|---|---|
| BUTTERWORTH, Robert D. | November 19, 1997 |
| Vice-Chair | April 15, 2002 |
| OWEN, Robert D.M.* | February 1, 1998 |
| Vice-Chair | February 1, 1998 |
| SEABORN, Jan de P.* | March 23, 1998 |
| Vice-Chair | March 23, 1998 |

**Note:** *^ Indicates Chair of the Assessment Review Board (ARB), Board of Negotiation (BON), and the Ontario Municipal Board (OMB) who is no longer with the Boards.*
*†Indicates Chair was cross-appointed to the ARB, BON and OMB as of March 31, 2004.*
**Indicates Vice-Chairs who were cross-appointed to the OMB as of March 31, 2004.*

**Robert D. Butterworth** was appointed a Vice-Chair of the ARB on April 15, 2002, having served as a Member since November 19, 1997. He was called to the Bar in 1972 and appointed a Queen's Counsel in 1984. Mr. Butterworth practised law in the Town of Perth from 1972 until 2002 and is a past councillor of the Township of North Elmsley, past member and chair of the Town of Perth planning board, and past chair of the committee of adjustment for the Township of North Elmsley. Mr. Butterworth is also a past governor and chair of the board of governors of Algonquin College and past chair of the Rideau Valley district health council. He received a bachelor of commerce degree from St. Patrick's College and an L.LB from the University of British Columbia.

**Marie Hubbard** was appointed to the OMB on December 10, 1997 and as a Vice-Chair on December 10, 2000, at which time she was also appointed as a Vice-Chair of the ARB. On November 15, 2003, Ms. Hubbard was appointed Chair of the OMB, ARB and BON. She is a former mayor of the Town of Newcastle and was also chair of the planning committee, Region of Durham.

**David J. Johnson** was appointed Chair of the ARB, BON and OMB on November 15, 2000. Prior to joining the Boards, he was president and CEO of the Toronto General and Western Hospital Foundation. Mr. Johnson has been a member of provincial parliament for the Don Mills riding, the minister of education and training, government house leader, minister of health, chair of the Management Board of Cabinet, finance opposition critic, and municipal affairs opposition critic. He was also the mayor of East York for ten years. Mr. Johnson holds a bachelor of science degree from McMaster University and a master's of mathematics degree from the University of Waterloo.

**Robert D. M. Owen** was appointed to the OMB in 1983. He became a Vice-Chair of the OMB in 1992 and was cross-appointed as a Vice Chair of the ARB on February 1,1998. Prior to joining the Boards, he practised law in Orillia and Toronto. Mr. Owen is a member of the Society of Ontario Adjudicators and Regulators and a member of the board of directors of the Council of Canadian Administrative Tribunals. A graduate of Queen's University Faculty of Law, he was called to the Ontario Bar in 1970.

**Jan de P. Seaborn** was appointed to the ARB as a Vice Chair on March 23, 1998. On May 31, 2000, she was cross-appointed to the OMB. Prior to joining the Board, Ms. Seaborn was a partner in the regulatory, planning and environmental department of a Toronto law firm. Her practice has also included many appearances as counsel before the Environmental Assessment Board, Joint Board, OMB and federal regulatory tribunals. Ms. Seaborn was called to the Ontario Bar in 1983.

## ARB Members

At the end of the 2003-2004 fiscal year, the ARB was composed of 76 active Members. Three ARB Members were cross-appointed to the OMB.

| Member | Original ARB Appointment |
|---|---|
| BACHLY, David | November 26, 1970 |
| BELANGER, Mignonne | January 11, 1984 |
| BIRNIE, Ian | June 15, 1999 |
| BIRTCH, Tom | October 15, 1970 |
| BRICK, Doris | May 27, 1998 |
| BROWN, Douglas C. | June 20, 2000 |
| BROWNLIE, John D. | May 27, 1998 |
| BRYANT, Lance R. | December 30, 1999 |
| CALDWELL, John S.A. | March 31, 2000 |
| CAMPBELL, Susan B. | May 27, 1998 |
| CARPENETO, James J. | May 17, 1999 |
| CASE, Jeanette V. | May 17, 1999 |
| CASTEL, André | November 19, 1997 |
| COWAN, Bernard A. | December 19, 1997 |
| CRAWFORD, John E. | May 27, 1998 |
| CROSSLAND, Ernest | June 21, 2000 |
| CUPIDO, Charles | October 1, 1980 |
| DATE, Dennis J. | May 27, 1998 |
| DOUGAN, Hugh S. | December 19, 1997 |
| DOWLING, Thomas | November 17, 1970 |
| DRIESEL, Sandra | March 16, 2000 |
| EMERSON, Judi | June 30, 2000 |
| FLANNERY, Timothy C. | May 27, 1998 |
| GRANDMAITRE, Bernard | October 8, 1997 |
| GRANGER, Donald R.* | November 3, 1999 |
| GRIFFITH, E.J.W. | November 12, 1970 |
| HETTMANN, Alexander S. | May 17, 1999 |
| HOPE, Ying | June 30, 2000 |
| HOPPER, Ronald B. | May 27, 1998 |
| INGLIS, Vern | May 27, 1998 |
| JUSTIN, Edith | November 17, 1970 |
| KELLY, Jim Sr. | May 17, 1999 |
| LAWRENCE, R.G.R. | May 27, 1998 |

| Member | Original ARB Appointment |
|---|---|
| LECH, Ted | October 29, 1970 |
| LUPTON, Bruce S. | May 27, 1998 |
| MACKEY, Brian R. | May 2, 2001 |
| MACLEOD, Walter J. | May 27, 1998 |
| MATHER, Susan F. | November 19, 1997 |
| MCCORMICK, William J. | May 27, 1998 |
| MCKINNON, Joan | April 18, 2001 |
| MCLEAN, Allan | October 8, 1999 |
| MICHIE, Harry | October 15, 1970 |
| MIDDLEBRO', John H.E. | May 17, 1999 |
| MILLER, Margaret | November 19, 1997 |
| MILNE, John E.^ | March 31, 2000 |
| MITCHELL, Doug | December 30, 1999 |
| NAPPER, William (Bill) | March 31, 2000 |
| NORTHCOTT, William G.J. | December 19, 1997 |
| NOVAK, Wayne S. | December 19, 1997 |
| OLIVEIRA, Ivan | May 17, 1999 |
| RECKER, Marvin | February 25, 1998 |
| RICHENBACK, David A. | May 27, 1998 |
| ROBERTSON, Luanne H. | June 30, 2000 |
| ROHRER, Michael C. | July 21, 2000 |
| ROGERS, F.N. | October 1, 1970 |
| ROLLAND, Charles L. | March 31, 2000 |
| SCHERER, Paul J. | May 17, 1999 |
| SIGSWORTH, Oscar | October 1, 1970 |
| SMITH, Barry A. | November 26, 1970 |
| STEPHENSON, Richard F. | April 7, 1993 |
| STILLMAN, Paul M. | March 26, 1975 |
| STONE, Carl A. | October 1, 1970 |
| TATSIOU, William | May 27, 1998 |
| TENNANT, Bryan R. | March 31, 2000 |
| TERSIGNI, Joe | May 30, 2001 |
| THOMPSON, Edmund (Ted) | May 17, 1999 |
| WEST, Roger D. | December 19, 1997 |
| WHITNALL, Raymond A. | May 17, 1999 |
| WRIGHT, Gregory R. | November 19, 1997 |
| WYGER, Joseph M. | May 27, 1998 |
| YOUNG, Ronald R. | May 27, 1998 |

**Note:** ^Indicates those Members who were cross-appointed to the BON as of March 31, 2004.
*Indicates those Members who were cross-appointed to the OMB as of March 31, 2004.

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ISBN 0-7794-8673-0
ISSN 1499-8297

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## Chair's Message

I am pleased to present the Assessment Review Board's (ARB's) 2004-2005 Annual Report. As 2005 was not a reassessment year, only property owners whose properties changed in size, description, classification or ownership received a new annual property assessment for the 2005 tax year. The Board received 12,700 complaints, a decrease from the last fiscal year, but similar to other non-reassessment years.

In order to provide Ontarians with up-to-date information about the property assessment complaint process, the ARB distributed revised information pamphlets. Improvements to the Annual Complaint Form and the Board's complaint intake strategy helped reduce the number of incorrect or incomplete complaint filings. In addition, the ARB website has continued to be a key resource for the public, both in providing information, and receiving complaints filed online.

This year, the ARB welcomed eight new Members to the Board. Enhanced training and mentoring programs were provided to facilitate their participation in hearings for the Board. Regional training sessions were also held for all active Members.

The ARB continued to streamline and refine its processes and procedures. A new Municipal Tax Appeal form was introduced, with instructions and an information pamphlet. As well, the scheduling approach to streaming complaints was reviewed and updated.

As the adjudicative tribunal Ontarians look to when contesting property assessments, our employees and Members are honoured to provide access to natural justice in a fair, open and efficient manner.

Richard Stephenson

Chair

## Section I: Assessment Review Board Overview

### Purpose of the Board

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Property assessment has been conducted in what is now Ontario since 1793. In 1970, the province assumed the role of assessing property from municipalities and replaced the Courts of Revision with the Assessment Review Court (ARC). In 1983, the ARC was renamed the Assessment Review Board.

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The Board's jurisdiction and its authority are defined by the *Assessment Review Board Act*, the *Assessment Act*, the *Municipal Act, 2001*, the *Education Act*, and the *Statutory Powers Procedure Act*.

### Legislative Changes - Regulations

The following regulations were filed from May 13, 2004 to March 14, 2005:

1. Ontario Regulation 124/04 (filed May 10, 2004) clarifies the definition of land in the large industrial property class (subsection 14(2));
2. Ontario Regulation 197/04 and Ontario Regulation 198/04 (both filed June 30, 2004) relate to the Pickering and Darlington Generating Stations and the classification of buildings and structures on those properties, as well as the method of assessing water intake and discharge facilities;
3. Ontario Regulation 242/04 (filed August 18, 2004) revokes section 28 (Part IV.l) of Ontario Regulation 282/98 and repeals the definition of alternative or renewable sources of energy under section 3.1 of the *Assessment Act;*
4. Ontario Regulation 243/03 (filed August 18, 2004) adds section 45.4 to Ontario Regulation 282/98 and establishes a methodology for assessing the towers and foundations that support wind power generation facilities;
5. Ontario Regulation 286/04 (filed September 21, 2004) outlines the criteria for inclusion of maple sap processing facilities in the farm property class:
6. Ontario Regulation 388/04 (filed December 10, 2004) provides new sections 24, 25 and 26 of Ontario Regulation 282/98 to expand the Conservation Land Tax Incentive Program to include charitable conservation organizations and conservation authorities;
7. Ontario Regulation 399/04 (filed December 15, 2004) adds subsection (3) to section 5 of Ontario Regulation 282/98 and adds the University of Windsor/ DaimlerChrysler Canada Automotive Research and Development Centre to the commercial property class;
8. Ontario Regulation 419/04 (filed December 17, 2004) contains modifications to sections of Ontario Regulation 282/98 dealing with the farm property class;
9. Ontario Regulation 100/05 (filed March 14, 2005) adds land used for horse trail rides or horse riding lessons to the residential property class. Equestrian facility buildings under certain circumstances may be assessed as farm land and buildings pursuant to subsection 19(5) of the *Assessment Act.*

(Regulations made under the *Municipal Act, 2001* or the *Education Act* are not listed here.)

## Section II: Operations 2004-2005

### 2004-2005 Caseload

At the beginning of the 2004-2005 fiscal year, the ARB had a total of 126,000 complaints on file. During the 2004-2005 fiscal year, the Board received over 12,000 complaints. By the end of the fiscal year, 59,000 complaints were resolved. Of the new complaints received, approximately 60 per cent were residential and 40 per cent were non-residential. In most instances, residential complaints required less hearing time and staff resources, and were resolved sooner than the non-residential complaints. The bulk of the outstanding caseload at the end of the fiscal year consisted mostly of complex, non-residential properties. Complex cases may require multiple pre-hearings to clarify the issues, therefore, more time could be required by the parties to gather evidence and prepare testimony. Consequently, the resolution of these cases may extend over several fiscal years.

*Table 1: Caseload 2001-2002 to 2004-2005*

| Year | | 2001-2002 | 2002-2003 | 2003-2004 | 2004-2005 |
|---|---|---|---|---|---|
| Opening caseload balance | | 150,000 | 62,000 | 93,800 | 126,600 |
| Caseload received | + | 12,300 | 82,900 | 80,200 | 12,700 |
| Total caseload for year | = | 162,300 | 144,900 | 174,000 | 139,300 |
| Resolved caseload | - | 100,300 | 51,100 | 47,400 | 59,000 |
| **Balance at the end of the fiscal period** | = | **62,000** | **93,800** | **126,600** | **80,300** |

*Note: The municipal tax year begins January 1 and ends December 31. The deadline for annual assessment complaints to the ARB is March 31 of the tax year, corresponding to the end of the provincial fiscal year. "Caseload Received" includes all types of complaints and appeals dealt with by the Board, including annual assessment complaints, supplementary and omitted assessment complaints and tax appeals.*

### Pre-hearings

Many complaints concerning complex, non-residential properties require extensive hearing time and are often presided over by a panel of Members.

These complaints are screened based on established criteria such as property classification, size and assessed value, and may be directed into pre-hearings. During the pre-hearing process, the Board works with the parties to establish a schedule for proceeding and may issue procedural orders to direct exchanges of information and pre-filings. Pre-hearings have the potential to expedite the hearing process and allow parties to reach a settlement before a hearing begins.

### Teleconferences

It can sometimes be difficult and time consuming to coordinate a meeting when parties need to travel across the province. For these cases, the Board can use telephone conferencing, or "electronic hearings." Teleconferencing is a practical way to provide status updates and determine next steps toward issuing procedural or consent orders, resolving contentious matters and, in some instances, settling complaints. This service saves time and money by reducing travel for all parties involved in Board hearings.

### Electronic Service Delivery (ESD)

In 2004-2005 the Board enhanced its existing E-Services to continue providing efficient ESD. Throughout the year, the Board's website, E-Status and E-File options were updated and improved upon, with a focus on user friendliness and clear language. The various E-Services initiatives offered by the Board will continue to significantly benefit the public and stakeholders by enhancing the accessibility, transparency and efficiency of the Board.

## Website

This year, the Board's website, www.arb.gov.on.ca, increased its role of being an important information and communication resource. In addition to the existing information and services provided on the website for assessment complaints, the Board added a new page for *Municipal Act* tax appeals in early 2005. The Board also posted a printable tax appeal filing form, Frequently Asked Questions, information and instructions, as well as a pamphlet, "*Municipal Act, 2001* Applications, Appeals and Complaints."

## E-File

E-File is a tool that allows the public to submit annual assessment complaints via the ARB website. All required information and the appropriate filing fees are collected and verified electronically online, and E-Filed complaints are accepted immediately into ARBIS, the ARB's electronic case management system. E-Filed complaints do not require manual data entry, reducing the required processing time.

During the 2005 intake period 2,926 complaints were filed via the ARB's E-File option or 31 per cent of the total 2005 complaint intake. The Board also received an additional 118 complaints through forms that were completed online, then printed and mailed with payment.

## E-Status

E-Status allows complainants to check the status of their complaints directly from the ARB website by entering the 19-digit roll number assigned to their property. E-Status displays information about complaints, hearings (once scheduled) and decisions (once issued). In 2004-2005, E-Status received approximately 2,000 to 3,000 inquiries each month.

In response to user suggestions, E-Status now displays the most recent Board Order number issued for a complaint, as well as hearing start times for telephone conference calls.

## E-Calendar

E-Calendar provides complainants, representatives and other interested parties current information about ARB hearings throughout Ontario. Hearing information can be obtained either by searching for the location of a property or the location of a hearing.

In 2004-2005, the Board enhanced its E-Calendar service by displaying hearing information for telephone conference calls and expanding the content of the hearing list (docket) to include property code, region, last Board Order number and complainant's preference for French or English language services. The hearing list also displays complaints that have been removed from the hearing prior to the scheduled hearing date and complaints that have been added to the hearing after the first Notices of Hearing were printed.

## Public Information and Outreach

The Board strives for effective and timely communication with the public and stakeholders. To communicate more effectively, the Board has undertaken projects to:

- Update and re-design its Filing a Complaint and Preparing for a Hearing pamphlets. Both pamphlets are available on the Board's website in downloadable formats;
- Improve its audio text system by providing clients with more options for obtaining information quickly and easily. The after-hours message has also been updated to include more information about the Board and the complaint and hearing process;
- Expand on correspondence with complainants via e-mail. The Board answered over 2,500 e-mails. Clients used e-mail to inform the Board about a variety of issues, including change of address, withdrawals and requests for written reasons;
- Update its complaint forms and instructions to include improvements suggested by the public, staff and Adjudicators.

### Member Training

Ongoing Member training remains a priority at the ARB. Newly appointed Members have the benefit of an in-house introductory session, in-hearing mentoring by senior Members and courses that are tailored to the issues Members confront in the various types of ARB hearings. Regional training sessions are occasionally held for all active Members. As well, all Members are encouraged to attend educational courses available through the Society of Adjudicators and Regulators.

## Section III: Financials

### Expenditures

*Table 2: Expenditures 2001-2002 to 2004-2005*

| ACCOUNT ITEMS | 2001 – 2002 ($) | 2002-2003 ($) | 2003-2004 ($) | 2004-2005 ($) |
|---|---|---|---|---|
| Salary and Wages | 4,889,289 | 4,170,456 | 4,306,190 | 4,037,987 |
| Employee Benefits | 822,876 | 856,500 | 537,499 | 559,998 |
| Transportation and Communications | 1,258,830 | 849,338 | 1,034,130 | 841,948 |
| Services | 2,739,513 | 1,816,394 | 2,075,266 | 1,756,273 |
| Supplies & Equipment | 189,356 | 286,975 | 259,390 | 309,816 |
| Transfer Payment | NIL | NIL | NIL | NIL |
| **TOTAL** | **9,899,864** | **7,979,663** | **8,212,475** | **7,506,022** |

### Revenue

Under the authority of the *Assessment Review Board Act* and a regulation made under the *Interpretation Act*, complaints and appeals must be accompanied by the applicable filing fee. The filing fee, which varies depending on property type, is collected by the ARB and is immediately transferred to the Ministry of Finance.

*Table 3: ARB Revenue 2001-2002 to 2004-2005*

| FISCAL YEAR | REVENUE COLLECTED |
|---|---|
| 2001-2002 | 2,840,117 |
| 2002-2003 | 2,102,515 |
| 2003-3004 | 5,411,807 |
| 2004-2005 | 1,184,636 |

## Section IV: ARB MEMBERS 2003-2004

| ARB Chair | Date Appointed |
|---|---|
| **Chair** | |
| STEPHENSON, Richard F.<br>Chair | April 7, 1993<br>May 21, 2004 |
| **ARB Vice-Chairs** | |
| BUTTERWORTH, Robert D.<br>Vice-Chair | November 19, 1997<br>April 15, 2002 |
| CAMPBELL, Susan *<br>Vice-Chair | May 27, 1998<br>April 28, 2004 |
| HUBBARD, Marie *<br>Vice-Chair | December 10, 1997<br>December 10, 2000 |
| MATHER, Susan<br>Vice-Chair | November 19, 1997<br>March 9, 2005 |
| OWEN, Robert D.M. *<br>Vice-Chair | February 1, 1998 |
| SEABORN, Jan de P. *<br>Vice-Chair | March 23, 1998 |

**Note:** * *Indicates Vice-Chairs who were cross-appointed to the OMB as of April 1, 2004.*

**Richard F. (Rick) Stephenson** was appointed Chair on May 21, 2004. While practicing as a corporate and commercial lawyer in Toronto, he also served for seven years as a Vice-Chair of the Commercial Registration Appeal Tribunal, the predecessor to the License Appeal Tribunal. Mr. Stephenson is a graduate in economics from McMaster University and is a lawyer with an LL.B degree from Osgoode Hall.

**Robert D. Butterworth** was appointed a Vice-Chair of the ARB on April 15, 2002, having served as a Member since November 19, 1997. He was called to the Bar in 1972 and appointed a Queen's Counsel in 1984. Mr. Butterworth practiced law in the Town of Perth from 1972 until 2002 and is a past councilor of the Township of North Elmsley, past member and chair of the Town of Perth planning board, and past chair of the Committee of Adjustment for the Township of North Elmsley. Mr. Butterworth is also a past governor and chair of the board of governors of Algonquin College and past chair of the Rideau Valley district health council. He received a Bachelor of Commerce degree from St. Patrick's College and an LL.B from the University of British Columbia.

**Susan Campbell** was appointed to the ARB on May 27, 1998 and as a Vice-Chair of the ARB and OMB on April 28, 2004. Prior to joining the Board, she was the manager of legal services and corporate secretary for the Ontario Travel Industry Compensation Fund Corporation. Ms. Campbell has also served as counsel for the Investment Funds Institute of Canada, the Ontario Securities Commission, TransCanada Pipeline, and the Ministries of the Environment and the Attorney General, and she was the director of by-law enforcement for the City of Mississauga. Ms. Campbell has taught courses at Conestoga College, Ryerson Polytechnic University and the Law Society of Upper Canada. She received her undergraduate and law degrees from Queen's University.

**Marie Hubbard** was appointed to the OMB on December 10, 1997 and as a Vice-Chair on December 10, 2000, at which time she was also appointed as a Vice-Chair of the ARB. Ms. Hubbard was appointed Chair of the OMB, ARB and BON on November 15, 2003. On May 20, 2004 her appointment ended as Chair of the ARB. She is a former mayor of the Town of Newcastle and was also chair of the planning committee, Region of Durham.

**Susan F. Mather** was appointed to the ARB on November 19, 1997. Prior to joining the Board, she was the chair of the Crop Insurance Arbitration Board and in private practice. She earned an honours Bachelor of Commerce from Queen's University in 1976 and a law degree from the University of Western Ontario in 1979.

**Robert D.M. Owen** was appointed to the Ontario Municipal Board (OMB) in 1983 then became a Vice-Chair in 1992. In February of 1998, Mr. Owen was cross-appointed to the ARB as Vice-Chair. In addition to his role with the Boards, Mr. Owen is a member of the Society of Ontario Adjudicators and Regulators' (SOAR) board of directors and is a member of the board of directors of the Council of Canadian Administrative Tribunals (CCAT). A graduate of Queen's University Faculty of Law, he was called to the Ontario Bar in 1970. Prior to joining the OMB, he practiced law in Orillia and Toronto.

**Jan de P. Seaborn** was appointed to the ARB as a Vice-Chair on March 23, 1998. On May 31, 2000, she was cross-appointed to the OMB. Prior to joining the Board, Ms. Seaborn was a partner in the regulatory, planning and environmental department of a Toronto law firm. Her practice has also included many appearances as counsel before the Environmental Assessment Board, Joint Board, OMB and federal regulatory tribunals. Ms. Seaborn was called to the Ontario Bar in 1983.

## ARB Members

At the end of the 2004-2005 fiscal year, the ARB had 65 active part-time Members.

| Member | Original ARB Appointment |
|---|---|
| BACHLY, David | November 26, 1970 |
| BELANGER, Mignonne | January 11, 1984 |
| BIRNIE, Ian | June 15, 1999 |
| BIRTCH, Tom | October 15, 1970 |
| BRICK, Doris | May 27, 1998 |
| BROWN, Douglas C. | June 20, 2000 |
| BROWNLIE, John D. | May 27, 1998 |
| BRYANT, Lance R. | December 30, 1999 |
| CALDWELL, John S.A. | March 31, 2000 |
| CARPENETO, James J. | May 17, 1999 |
| CASE, Jeanette V. | May 17, 1999 |
| CASTEL, André | November 19, 1997 |
| COBURN, Brian | September 30, 2004 |
| COWAN, Bernard A. | December 19, 1997 |
| CROSSLAND, Ernest | June 21, 2000 |
| CUPIDO, Charles | October 1, 1980 |
| DATE, Dennis J. | May 27, 1998 |
| DOWLING, Thomas | November 17, 1970 |
| DRIESEL, Sandra | March 16, 2000 |
| EMERSON, Judi | June 30, 2000 |
| GRANDMAITRE, Bernard | October 8, 1997 |
| GRIFFITH, E.J.W. | November 12, 1970 |
| GRIFFITH, Jennifer | September 17, 2004 |
| HETTMANN, Alexander S. | May 17, 1999 |
| HOPE, Ying | June 30, 2000 |
| HUNTER, Robert | May 21, 2003 |
| INGLIS, Vern | May 27, 1998 |
| JUSTIN, Edith | November 17, 1970 |
| KANUCK, Nalin Dr. | May 7, 2003 |
| KELLY, Jim Sr. | May 17, 1999 |
| LAFLAMME, Jacques | August 25, 2004 |
| LANGDON, Patrick | May 28, 2003 |
| LAWRENCE, R.G.R. | May 27, 1998 |
| LECH, Ted | October 29, 1970 |
| MACKAY, Ann | August 25, 2004 |
| MCLEAN, Allan | October 8, 1999 |
| MICHIE, Harry | October 15, 1970 |
| MIDDLEBRO', John H.E. | May 17, 1999 |
| MILNE, John E. | March 31, 2000 |
| MITCHELL, Doug | December 30, 1999 |
| MORIN, Gilles | September 30, 2004 |
| NAPPER, William (Bill) | March 31, 2000 |
| OLIVEIRA, Ivan | May 17, 1999 |

| Member | Original ARB Appointment |
|---|---|
| RADE, Bernice M. | August 25, 2004 |
| ROBERTSON, Luanne H. | June 30, 2000 |
| ROHRER, Michael C. | July 21, 2000 |
| ROGERS, F.N. | October 1, 1970 |
| ROLLAND, Charles L. | March 31, 2000 |
| ROMAS, George | August 25, 2004 |
| SCHERER, Paul J. | May 17, 1999 |
| SIGSWORTH, Oscar | October 1, 1970 |
| SMITH, Barry A. | November 26, 1970 |
| STILLMAN, Paul M. | March 26, 1975 |
| STONE, Carl A. | October 1, 1970 |
| SUTTON, William (Bill) | September 17, 2004 |
| TENNANT, Bryan R. | March 31, 2000 |
| TERSIGNI, Joe | May 30, 2001 |
| THOMPSON, Edmund (Ted) | May 17, 1999 |
| WHITNALL, Raymond A. | May 17, 1999 |
| WYGER, Joseph M. | May 27, 1998 |
| YOUNG, Ronald R. | May 27, 1998 |